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PART II

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[V. 2]

C O N T E N T S - P A R T I I

REAL PROPERTY AND LEASEHOLDS

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NOTE: In Ontario, in most situations where an escheat may have occurred, as a matter of convenience the Public Trustee will elect to make application to the court for an order granting him administration of the deceased's estate under The Crown Administration of Estates Act, R.S.O. 1960, c. 80. That Act enables the Public Trustee where there are no known relatives to take steps to protect the property of the deceased for the benefit of those who may be entitled to it (R. v. Bonnar (1898), 24 O.A.R. 220). It also enables the Public Trustee, without obtaining letters of administration from the court, to take possession of any real estate in Ontario, where a person dies intestate and without any known heirs in possession of such real estate or entitled to it.

By section 5 of the Act, the Lieutenant Governor in Council may authorize the Public Trustee to sell any land in Ontario or an interest therein, once administration of the deceased's estate has been granted to him. All money realized from estates to which the Public Trustee is administrator is kept in a bank or invested, as the Lieutenant Governor in Council directs. All money that is unclaimed for ten years after the death of the deceased is paid into the Ontario Consolidated Revenue Fund. The Act does provide that any person proving title to such money is entitled to receive it with interest at such rate as the Lieutenant Governor in Council directs.

Finally, the Act provides that after giving certain notice prior to the expiry of ten years, the Public Trustee may pay any unclaimed money or assign any personal property remaining in his hands, in accordance with any direction of the Lieutenant Governor in Council made under the Escheats Act.

In actual fact, it is rare for money or property administered under the Act not to be claimed. It has been estimated that of one hundred estates administered under the Act, the assets of only fifteen are paid into the Consolidated Revenue Fund, having been unclaimed for ten years. In about five of these cases, money paid into the Fund will later be paid out of it to persons proving title to it. The Public Trustee obtains orders under the Act granting him administration of about six hundred estates annually.

